



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/151,764	09/11/1998	JAY H. DOWLING	A-6388	8313

7590 03/17/2003

DOUGLAS W ROBINSON
HOFFMAN WASSON & GITLER
2361 JEFFERSON DAVIS HIGHWAY STE 522
ARLINGTON, VA 22202

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 03/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 1.192(c)**

Application No.

09/151,764

Applicant(s)

DOWLING ET AL.

Examiner

Jared J. Fureman

Art Unit

2876

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 12 February 2003 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☒ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

Continuation of 9. Other (including any explanation in support of the above items):

Re the status of claims: Claims 44-48 and 52-55 have been cancelled in the amendment filed on 2/12/2003, the appeal brief indicates that these claims have been withdrawn from consideration.

Re the status of amendments: The status of amendments need only refer to after final amendments (since the amendment filed on 2/12/2003 merely cancels claims, this amendment will be entered).

Re the summary of invention: While the summary of the invention includes drawing reference characters, the summary does not refer to the specification by page and line number.

Re the grouping of claims: The grouping of claims does not specifically indicate whether or not the claims of the group stand or fall together. It appears as though the claims of the group do stand or fall together, since appellants have not provided an explanation as to why the claims of the group are separately patentable.

It is noted that on page 9 of the appeal brief that appellants refer to column 6 lines 15-33 of Parulski et al, it should be noted that this recitation appears in Parulski et al (US 5,668,597), not Parulski et al (US 5,563,658) which is the reference that has been applied in the rejection. Two Parulski et al references have been cited in this application, but only Parulski et al (US 5,563,658) has been applied in the rejection. It appears as though appellants have cited the wrong Parulski et al reference on page 9 of the appeal brief.

The appeal brief is required to be filed in triplicate, it appears as though only a single copy of the appeal brief has been filed.